

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00714/2020

Jabalpur, this Monday, the 04th day of January, 2021

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



Manoj Gyandeep Aged about 42 years, S/o Shri Jay Narayan Sah, Divisional Accounts Officer Grade-1 Office of Executive Engineer, Water Resources Division, Damoh (MP)-470661

2. Md. Noore Alam Ansari, aged about 39 years, S/o Shri Rahmatulla Ansari, Divisional Accounts Officers Grade-I, Office of Executive Engineer, P.W.D. (B/R) Division Chhindwara (MP)-480001

3. Vikash Kumar Aged about 41 years S/o Late Sah Deo Pandit, Divisional Accounts Officer Grade-1 Office of Executive Engineer, PWD, Bridge Division, Rewa (MP)

4. Bijendra Singh Yadav, aged about 41 years, S/o Shri Naval Singh Divisional Accounts Officer, Office of Executive Engineer, Water Resources Division-1, Seoni (MP)-480661

5. Naresh Kumar Meena, aged about 43 years, S/o Shri Gilya Ram Meena, Divisional Accounts Officer Grade-1, Office of Executive Engineer, PHE Division Balaghat (MP)-481001

6. Shekhar Kumar aged about 43 years, S/o Late Akshaybat Prasad Divisional Accounts Officer Grade-1 Office of Executive Engineer, Water Resources Division Burhanpur (MP)-450331

-Applicants

(By Advocate – **Shri Sanjay K. Agrawal**)

V e r s u s

1. Union of India through the Secretary, Department of Finance, Government of India, New Delhi 110124

2. The Comptroller and Auditor General of India, 9-Deendayal Upadhyay Marg New Delhi-110124

3. The Principal Accountant General of Madhya Pradesh (A&E), Bhopal Branch 53 Arera Hills, Hoshangabad Road, Bhopal (MP)-462011

4. Deputy Accountant General (Works/Accounts) Office of Principal Accountant General, Madhya Pradesh 53 Arera Hills, Bhopal (MP)-462011

- Respondents



(By Advocate – **Shri S.P.Singh for respondent No. 1 & Shri P. Shankaran for respondents Nos. 2 to 4)**

O R D E R(ORAL)

By Ramesh Singh Thakur, JM:-

Heard.

2. This Original Application has been filed by the applicants challenging the circular dated 01.06.2020 and 16.12.2020 passed by respondent No.4.

3. From the pleadings the facts of the case are that the applicants were initially appointed as Divisional Accountant in the Principal Accountant General (A & E) Madhya Pradesh Bhopal in the year 2009. The said appointment was initially made on probation for a period of two years. Thereafter after passing the DAGE examination within the stipulated period the applicants successfully completed the period of probation and were accordingly confirmed in service after completion of probation period of two years. Thereafter the applicants

cleared the Divisional Accountants Grade Examination within a stipulated time period and subsequently appointed in the cadre of Divisional Accountant vide order dated 22.01.2016 (Annexure A-4). Thereafter, the applicants were considered for promotion to the post of Divisional Accounts Officer Grade-2 and on being found fit by the duly constituted DPC, the applicants were promoted to the post of Divisional Accounts Officer Grade-2 w.e.f. the date mentioned in the chart Annexure A-1. Thereafter the applicants were further considered for further promotion to the post of Divisional Accounts Officer Grade-I and on being found fit they were promoted to the post of Divisional Accounts Officers Grade-I as per chart Annexure A-1.



4. On completion of four years of service on the said post the applicants were considered for up-gradation in the pay band of 5400 (level-9) under the Non-functional up-gradation and on being found fit the said benefit was extended to the applicants w.e.f. 01.06.2016. The respondents Nos. 2 to 4 have now issued a circular dated 01.06.2020 whereby the inter-se seniority of the Divisional Accountant is sought to be revised and determined afresh in accordance with the recruitment year and the rank assigned by the SSC in each

recruitment year. Copy of the impugned order dated 01.06.2020 is annexed as Annexure A-11. The applicants have made the representation to the respondents on 09.06.2020. A copy of which is annexed as Annexure A-12. Without taking into consideration the representation, the respondents Nos. 2 to 4 have issued a circular dated 16.12.2020 (Annexure A-13).



5. The ground for challenging the impugned order are that the respondent department has not decided the representation Annexure A-12 and the action of the respondent department is contrary to the criteria prescribed in C.A.G's Manual which is filed at Annexure A-8.

6. At this stage counsel for the applicant submits that the applicant will be satisfied if the respondents are directed to decide Annexure A-12 in a time bound manner and till then the respondents be directed not to proceed further.

7. We have considered the matter and we are of the view that natural justice will be met if the respondents are directed to decide the representation Annexure A-12, especially when the same is pending with the respondent department.

8. Resultantly, the competent authority of the respondents are directed to decide the representation filed at Annexure

A-12, if not already decided within a period of eight weeks from the date of receipt of a certified copy of this order.

9. Needless to say that the final order should be reasoned and speaking one and the respondents shall also met with all the contentions raised in the representation before deciding the matter finally and till then no further action be taken without deciding Annexure A-12.

10. With these observations the Original Application is finally disposed of at the admission stage itself.



(Naini Jayaseelan)
Administrative Member
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(Ramesh Singh Thakur)
Judicial Member